

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
v.
JUAN M. BARAJAS-ALCAREZ,
Defendant.

NO. CR-06-2147-RHW

**ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS**

Before the Court is Defendant's Motion to Dismiss (Ct. Rec. 34). The motion was heard without oral argument.

Defendant asks the Court to dismiss the current indictment charging him with illegal reentry in violation of 8 U.S.C. § 1326 because he was prejudiced by the due process violations that occurred during his underlying deportation proceedings. The Government has no objection to Defendant's motion (Ct. Rec. 45).

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion to Dismiss (Ct. Rec. 34) is **GRANTED**.
2. The above-captioned Indictment is **DISMISSED** with prejudice.

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1 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
2 Order and provide copies to counsel and the U.S. Marshal.

3 **DATED** the 8th day of January, 2007.

4 *S/ Robert H. Whaley*

5 **ROBERT H. WHALEY**
6 Chief United States District Judge

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